Maternity Policy

This policy outlines the benefits available to employees of Newcastle University whose babies are due on or after 5 October 2008.

1. What you need to do if your baby is due on or after 5 October 2008

Step 1 - You must tell the University that you are pregnant no later than 15 weeks before your baby is due.

Step 2 - Decide on the date you want to start your maternity leave.

Step 3 - Complete and return the Maternity Leave Request form.

Step 4 - If you change your mind about your return date you must give 8 weeks’ notice of the change.

2. Who you need to tell that you are pregnant

Following confirmation of pregnancy, you should advise your manager as soon as possible for health and safety reasons. The information can be kept confidential if wanted.

The University is required to protect the Health and Safety at work of all employees and others, including new and expectant mothers. When assessing risks in the workplace, the University will pay particular attention to risks that could affect the health and safety of new and expectant mothers and their babies.

All reasonably practicable measures will be taken to prevent exposure to risks through removal of hazards or implementation of controls. If a risk remains which could damage the health and safety of new or expectant mothers or their babies, the University will take appropriate measures to make sure they are not exposed to that risk.

If the risk cannot be sufficiently reduced, you may need to be suspended from work on maternity grounds, but you will be offered suitable alternative work, if any is available. (Whilst on suspension you will continue to receive your normal salary).

If suitable alternative work is offered it will be:

- both suitable and appropriate for you to do in the circumstances;
and

- on terms and conditions no less favourable than your normal terms and conditions.


You can also access the Government’s guidelines for health and safety for new and expectant mothers at http://www.hse.gov.uk/mothers/.

If you have any queries regarding pregnant employees and actions necessary to protect the health of the new/expectant mother and unborn child please contact Occupational Health on ext. 7344.

Further information can be found on the Occupational Health website:

http://www.ncl.ac.uk/occupationalhealth/help/advice.php

1. The University's Pregnancy Policy guidance for new and expectant mothers can be found at the occupational health website.

2. The Employee Pregnancy Booklet – A Guide for Expectant Mothers can be found at the occupational health website.

3. **What you need to tell your manager**

You should submit as soon as available, but no later than 15 weeks before your baby is due, the medical certificate MATB1, issued by your midwife, confirming to your manager the date your baby is due.

When submitting the MATB1 you should also submit the Maternity Leave Request Form confirming when you want your maternity leave and pay to begin and end. Please ensure you complete your current home address and phone number to enable us to keep your records up to date.

4. **When you need to tell your manager**

The latest you can tell your manager is 15 weeks before your baby is due. If you do not inform us by this date, you will lose the right to maternity pay and leave. However for Health and Safety reasons you should tell your manager as soon as possible.
5. When you can start maternity leave

The earliest you can start maternity leave is 11 weeks before your baby is due. After this date, you can choose to start your maternity leave on any day right up until the date your baby is due.

You must notify us of your intended start date at least 15 weeks before the baby is due. You may change your mind about the date you want to start your maternity leave providing, where reasonably practicable, you notify your line manager at least 28 days in advance of the proposed new start date.

Annual leave may be taken immediately prior to, or immediately following maternity leave by agreement with your manager.

If you haven’t already started your maternity leave there are two instances when maternity leave will start automatically, even if your intended start date is later:

- If your baby arrives earlier than the start of your maternity leave, your maternity leave will start automatically on the day after your baby’s birth. You must however notify your Faculty/Central Services Human Resources Officer (HRO) of the birth as soon as is reasonably practicable. The expected date of birth is still used for assessing length of service.
- Your maternity leave period will automatically begin if you are absent from work due to a pregnancy related illness within the 4 week period before your baby is due. You must notify your Faculty/Central Services HRO that you are absent from work because of pregnancy as soon as is reasonably practicable and submit medical certificates as appropriate.

6. How much maternity leave and pay you are entitled to

Irrespective of your length of service you are entitled to 52 weeks Maternity leave.

The amount of maternity pay that you qualify for depends on your length of service at the Qualifying Week (QW). The QW is 15 weeks before your baby is due. A summary of your pay entitlements are shown below.

<table>
<thead>
<tr>
<th>Length of Service at the Qualifying Week</th>
<th>Maternity Pay Entitlement</th>
<th>Further Information</th>
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<tbody>
<tr>
<td>More than 52 weeks service</td>
<td>39 weeks made up of 18 weeks Occupational Maternity Pay (OMP) (full pay inclusive of Statutory Maternity Pay (SMP) / Maternity Allowance (MA))</td>
<td>To receive OMP you must provide a written undertaking on the Maternity Leave Request Form</td>
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</table>
Please see the following link for the current SMP rate:
http://www.dwp.gov.uk/lifeevent/benefits/statutory_maternity_pay.asp#howmuch

Please see the following link for the current MA rate:

If you participate in any salary sacrifice arrangement(s) e.g. Pensions+, Childcare Voucher Scheme, Cycle to Work Scheme, salary sacrifice can reduce the amount of SMP that you are entitled to. For those who have more than 52 weeks service at the Qualifying Week, the University ensures that participating employees are no worse off by paying Occupational Maternity Pay (as defined above).

For employees with more than 26 but less than 52 weeks service as at the Qualifying Week, participation in salary sacrifice could result in a reduced SMP payment for the first 6 weeks of your maternity leave. This is because SMP is calculated on the amount of average weekly earnings during the 8 week-period before the Qualifying Week. By participating in salary sacrifice there is a reduction of salary for NI purposes during this period which can then reduce entitlement. In these circumstances the University will ensure there is no detriment to any employee with salary sacrifice arrangements by paying a “top-up” payment equal to the amount you would have received, if you were not participating in salary sacrifice.

7. How your entitlement to SMP/MA is determined

You will be entitled to SMP if:

<table>
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<th>Service</th>
<th>SMP Payment</th>
<th>MA Eligibility</th>
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<tr>
<td>Followed by 21 weeks SMP at the lower rate. Remaining 13 weeks is unpaid.</td>
<td>to return to work for a minimum period of one month following the end of your maternity leave.</td>
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<tr>
<td>More than 26 but less than 52 weeks service</td>
<td>39 weeks made up of SMP for 6 weeks at 90% of salary followed by 33 weeks SMP at the lower rate. Remaining 13 weeks is unpaid.</td>
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<tr>
<td>Less than 26 weeks service</td>
<td>Employees may be eligible for MA</td>
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• Your average weekly earnings in the 8 weeks up to and including the QW have been at least equal to the lower earnings limit for National Insurance Contributions (NIC) although you do not actually have to have paid any contributions.
• You are still pregnant by the beginning of 11 weeks before your baby is due or have had the baby at that time

If you are not entitled to SMP the Payroll and Pensions Section will provide you with form SMP1 upon submission to Human Resources of your MATB1 form. SMP1 will explain the reasons for ineligibility to SMP and provide instructions on how to apply for MA from your local Social Security Office.

Eligibility for MA is subject to the following:

• You have been employed and/or self-employed for at least 26 weeks in the 66 weeks up to and including the week before your baby is due. This 66 week period is known as the Test Period. Part weeks are counted as full weeks.
• Your average weekly earnings are at least £30 or more a week over any 13 weeks in the Test Period.
• You are still pregnant by the beginning of 11 weeks before your baby is due or have had the baby at that time

8. If you are employed on a fixed term contract

The University will treat all staff regardless of the type of contract i.e. fixed-term or open, in the same way with respect to maternity leave and maternity pay.

Some funding bodies are prepared to suspend or extend grants to allow for maternity leave. If this is the case you should consult with your Human Resources team.

If you are employed on a fixed term contract and your contract is due to expire during the course of your maternity leave, your employment will be extended beyond the expiry date if it would have been extended had you not been on maternity leave. If you are eligible for Occupational Maternity Pay you will still be required to return to work for at least 1 month or to the end of your contract, whichever date is sooner.

If you are eligible for Occupational Maternity Pay (OMP) and your contract is due to expire during the period of maternity leave, you will obviously not be required to return to work. If you are eligible for OMP you will be entitled to a maximum of 39 weeks total pay, made up of OMP and Statutory Maternity Pay (SMP). OMP will be paid until the expiry of the contract or the 18 week period of OMP, whichever is sooner, SMP will then continue to be paid for the remainder of the 39 weeks through the University.
If you are only eligible for SMP during the maximum 39 week pay period, and your contract is due to expire during the period of maternity leave, this will however continue to be paid through the University.

9. Time off for ante-natal care

All pregnant employees, regardless of length of service or hours worked have a statutory right to reasonable time off to attend ante-natal appointments. Apart from the first appointment, evidence of appointments must be provided to your manager if requested.

As with all medical appointments, appointments for ante-natal care should be arranged after consultation with your line manager to minimise disruption to work. As far as is reasonably practicable, such appointments should be arranged at times which would cause least disruption to your work.

10. Absence during pregnancy

Absence during pregnancy will be considered under the appropriate University sick pay scheme. However if the absence is pregnancy related, and occurs during the 4 weeks prior to the EWC, this will automatically trigger the start of your maternity leave with effect from the day following the complete first day of absence.

If Statutory Sick Pay (SSP) or state Incapacity Benefit is payable for the period immediately before the beginning of maternity leave, it will in principle continue to be paid for as long as it would have been if there had been no maternity leave. However, if SMP is payable it will supersede those benefits except to the extent that the state Incapacity Benefit would have exceeded SMP; any remaining Incapacity Benefit will be deducted from OMP if it would have been deducted from ordinary salary under the university sick pay scheme.

Your paid Maternity Leave period cannot be broken by other types of absence. If you become ill during this period, the absence is treated as part of the maternity leave up to the end of that maternity leave.

11. Annual leave entitlement

Your entitlement to annual leave will accrue as usual during both paid and unpaid leave. Annual leave may be taken immediately prior to, or immediately following maternity leave by agreement with your manager. Additionally, following your paid maternity leave you may wish to take annual leave instead of unpaid maternity leave to enable you to spend more time with your baby while receiving pay.
Staff are expected to take all of their holiday entitlement during the holiday year in which it accrues. However, where it is agreed with your manager that this is not practicable due to operational reasons or exceptional circumstances, leave can be carried forward into the next holiday year but this must be taken at the end of the maternity leave period, immediately prior to your return to work.

You are entitled to be credited for Bank Holidays and University Closure Days that fall on your normal days of work during the paid period of your maternity leave. These days must be taken at the end of your maternity leave period before you return to work.

For part-time employees:

You are advised to use the leave calculator to calculate your net leave entitlement at the commencement of the holiday year. When determining what leave you wish to take either before or after your maternity leave you should use any untaken leave from your net leave entitlement.

To determine what time off you should be credited with for Bank Holidays and Closure Days you should refer to the leave calculator to total the number of Bank Holiday / Closure Day days/hours that fall on your normal days of work during the paid period of your maternity leave. These days/hours must be taken at the end of your maternity leave period before you return to work.

12. Implications for your pension during maternity leave

If you are a member of USS/RBP /NHS on a contributory basis, contributions to the fund are made by both you and the university throughout the paid period of maternity leave. Your contributions are based on your actual pay received for the pay period (including SMP); the University will contribute the balance required to ensure you continue to accrue pension benefits as though you were working at your normal rate of pay. So if you are eligible for 39 weeks paid maternity leave (Occupational Maternity Pay and/or SMP), you will accrue normal pension benefits throughout this period. The first 26 weeks of maternity leave will be regarded as normal pensionable service regardless of whether it is paid or unpaid leave – so the University may meet the whole cost of providing accrual of your pension benefits if you are not entitled to receive any pay during this period. If you are taking unpaid leave beyond this period you will be contacted by the Payroll and Pensions Section to discuss whether you wish to maintain contributions during the period of unpaid leave. If you wish to maintain your contributions, the University will also maintain its contributions, ensuring that you continue to accrue pension benefits. If you choose not to maintain your own pension contributions, your membership of the scheme will continue in that you will continue to be covered by the death in service provisions, but you will not
accrue any pension benefits during this period. However, if your employment comes to an end your membership of the pension scheme will end with it unless you transfer to another employment linked to the same scheme.

If you are an RBP/USS Pensions+ member you will continue with your pensions salary sacrifice during paid periods of maternity leave, providing your reference salary is not reduced below the National Minimum Wage. Salary sacrifices cannot be made against statutory payments such as SMP, so the sacrifice will only apply to your Occupational Maternity Pay. If you choose to take a period of unpaid leave you will be contacted by the Payroll and Pensions Section to discuss whether you wish to increase your salary sacrifice on your return to work to maintain your pensionable service during the unpaid period.

If you do any work for the University during your maternity leave, as a Keeping in Touch (KIT) day, and this day is outside of the paid period of leave, no pension contributions will be due. Where a KIT day is taken within the paid period of maternity leave, contributions will be deducted on the actual pay that you receive, with the University paying the balance necessary to maintain full benefit accrual.

Further information regarding the pension scheme can be obtained by contacting the following:

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<tr>
<th>NAME</th>
<th>E-MAIL</th>
<th>TELEPHONE EXTENSION</th>
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<tbody>
<tr>
<td>Val Wall</td>
<td><a href="mailto:val.wall@ncl.ac.uk">val.wall@ncl.ac.uk</a></td>
<td>6496</td>
</tr>
<tr>
<td>Lisa Cole</td>
<td><a href="mailto:lisa.cole@ncl.ac.uk">lisa.cole@ncl.ac.uk</a></td>
<td>6496</td>
</tr>
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13. Returning to work

We will presume you are going to return to work on the date stated on your Maternity Leave Request Form. Therefore, if you are going to return to work on this date, we don’t require any further notification from you.

If you change your mind about your return date you must give 8 weeks’ notice of the change. If you don’t and the organisation needs more notice, the university has the right to enforce the postponement of your return until 8 weeks’ notice has elapsed, but not beyond 52 weeks leave.

For health and safety reasons, you cannot return to work within 2 weeks of the birth.
If you are returning during or at the end of the first 26 weeks Ordinary Maternity Leave you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent.

If you are returning during or at the end of Additional Maternity Leave you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent, or if that is not reasonably practicable, to a similar job.

14. Illness when you are due to return to work

If on your return to work you are absent due to illness (pregnancy related or otherwise) your absence will be treated under the University’s normal sickness leave scheme.

15. Returning to work on a part time basis

If you have previously worked on a full time basis, you do not have a legal right to return from maternity leave on a part-time basis. The University is aware however, of its responsibility as a caring employer and of the legislation in relation to sex discrimination. In view of this the University will give sympathetic consideration to a request to return to work on a part-time basis either initially or in the long term. There can however, be no absolute guarantee that a request to return on a part-time basis can be met. The University’s decision will be dependent on operational needs and the requirements of the school / service where appropriate, and is granted at the University’s sole discretion.

If you wish to request a return to work on a part-time basis, please follow the process as outlined in the Flexible Working Arrangements & Requests for Flexible Working Policy. You must submit your request to return to work on a part-time basis at least 8 weeks before your date of return from maternity leave.

16. Resignation

If you wish to resign on the grounds of maternity you should give the University the appropriate notice as laid down in your conditions of service.

If you are eligible for SMP, and you resign, your SMP will however continue to be paid, as appropriate, for a period of up to 39 weeks.

If you have received the benefits of the University’s Occupational Maternity Pay and do not return to work for at least one month at the end of your maternity leave period, the University has the right to reclaim all or part of the non statutory element of maternity pay.
17. Keeping in touch
Your manager is responsible for maintaining contact with you whilst you are on maternity leave. Prior to commencing your maternity leave you and your manager should agree the kind of reasonable contact you will maintain. This contact is intended to keep you up to date with developments in the workplace.

If you and your manager agree you can do up to 10 days work, known as Keeping in Touch (KIT) Days. Keeping in Touch Days can only be taken during your maternity leave period (paid or unpaid) and cannot be taken during any period of annual leave that you may add on to the end of your maternity leave period. If it is agreed that you come in to work during any period of annual leave, your annual leave entitlement should be adjusted accordingly.

You can decide with your manager how many hours you work on a KIT Day and you will be paid for the appropriate number of hours. If you decide to take up the option of up to 10 Keeping in Touch Days, you will receive full pay for the time you work without any adverse impact on your OMP/SMP/MA. Payment for Keeping in Touch days will be made upon your return from maternity leave via the KIT Form, available on the HR Website.

You and your manager must agree in advance what you will do during your Keeping in Touch Days. The days may be used for any activity which would ordinarily be classed as work under your contract, but they could also be used to enable you to attend a conference, undertake training activities or attend for team meetings for example. It is important to note that you are only permitted to work a maximum of 10 KIT days (for example you can not work 20 half days as an alternative).

You are not required to take up the option of Keeping in Touch Days, and your manager is not obliged to offer them.

18. Reorganisation or redundancy while you are on maternity leave

If your department is re-organising whilst you are on maternity leave, you will be informed and invited to consultation like any other employee in the department.

Should a redundancy situation arise that may affect you, we will consult with you in accordance with the arrangements that are put in place for all employees that are affected. If following consultation it becomes impractical for the University to continue to employ you under your existing contract of employment, you will be offered a suitable alternative position, where there is one available. If a suitable alternative position is not available, redundancy may then be the only option.

19. What happens if you have a miscarriage or still birth

If your baby is stillborn during the first 24 weeks of pregnancy (defined as miscarriage) SMP and OMP are not payable. In these circumstances any absence would be treated as sickness absence and you would receive SSP or University Sick pay as appropriate.
In the sad circumstance of your pregnancy ending in still birth after 24 weeks of pregnancy (defined as still birth) you will still be entitled to the same leave and pay as if the pregnancy had progressed to full term.

20. Glossary of Maternity Terms

EWC – Expected week of childbirth – the week in which your baby is due (commencing on a Sunday).

SMP – Statutory Maternity Pay – the payments you are entitled to by law.

Higher rate (of SMP) – 9/10 th’s (90%) of average gross weekly earnings.

Flat/Lower rate (of SMP) – Basic weekly amount of SMP, reviewed by government each year.

MA – Maternity Allowance – Social Security Office payment available to those not entitled to SMP, subject to qualification.

MAT B1 – Certificate issued by a doctor or midwife from the 20th week before your EWC, showing the date on which the baby is expected or was born.

NIC – National Insurance Contributions.

QW – Qualifying week – the 15th week before the start of the week in which the baby is due.

Statutory Maternity Leave – Minimum 26 week statutory maternity leave during which all contractual benefits, with the exception of remuneration, remain intact.

SSP – Statutory Sick Pay

Week’s Pay – If your remuneration for normal working hours does not vary with the amount of work done in the period, a week’s pay is the amount payable to you under your contract of employment for working your normal hours in a week. Where you do not have normal working hours for the purposes of occupational maternity pay, a week’s pay is the average remuneration in the period of 8 weeks preceding the date on which your last complete week ended, excluding any week in which no remuneration was earned.

OMP – Occupational Maternity Pay – 18 weeks salary paid by the University inclusive of SMP/MA entitlements if eligible under the Occupational Maternity Leave Scheme (OMS).
Maternity Leave Request Form – Application form for Maternity Leave which must be completed in order to notify the University of your wish to take maternity leave.

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<th>Approved by Staff Committee 24th January 2007</th>
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<tr>
<td>Policy Owner</td>
<td>Human Resources</td>
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<tr>
<td>Policy Authors</td>
<td>Jan Halliburton, Julie Bullimore, Lynn McArdle</td>
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<td>Last Updated</td>
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<td>JH – KIT days</td>
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